

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY LAGOS

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E.O. 11652: N/A

TAGS: BDIS, NI

SUBJECT: TRADE DISPUTE: TAN INTERNATIONAL LTD. VS

--- KUSINI CO.

REF: (A) STATE 050968, LAGOS 2401

1. ACCORDING TO MARCH 31 WASHINGTON POST AND WASHINGTON STAR "COUNTDOWN AT KUSINI" WAS PREMIERED MARCH 30 IN WASHINGTON AT AMERICAN THEATER - L'ENFANT PLAZA. SEVERAL HUNDRED GUESTS ATTENDED A COCKTAIL BUFFET AT THE MUSEUM OF AFRICAN ART BEFORE THE PREMIERE. ACCORDING TO THE PAPERS, PREMIERE ATTENDED BY THE FILM'S STARS (OSSIE DAVIS, HIS WIFE RUBY DEE , AND GREG MORRIS), BY OFFICERS OF DELTA SIGMA THETA, THE BLACK WOMEN'S SORORITY WHICH PUT UP DOLS. 800,000 OF THE FILM'S DOLS. 1.2 MILLION BUDGET (THELMA DALEY, DST PRESIDENT, AND LILLIAN BENBOW, PAST PRESIDENT AND EXECUTIVE PRODUCER OF THE FILM), AND BY CERTAIN CELEBRITIES (W. AVERELL HARRIMAN, SEN. CLAIBORNE PELL, SEN. FRANK MOSS, AND REP. BARBARA JORDAN). POST DID NOT MENTION NIGERIA OR NIGERIANS. STAR SAID ONLY THAT FILMING

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HAD TAKEN PLACE IN AFRICA AND THAT THE FILM TECHNICIANS INCLUDED NIGERIANS. ACCORDING STAR, FILM IS SCHEDULED

FOR FIRST RUN DISTRIBUTION BY COLUMBIA EARLY IN APRIL.

2. IN MEANTIME TAN INTERNATIONAL AND KUSINI DO NOT APPEAR TO HAVE RESOLVED DISPUTE. WE HAVE HAD SEVERAL CONVERSATIONS WITH ATTORNEYS FOR BOTH PARTIES SINCE OUR REFTEL AND HAVE LEARNED THAT KUSINI DID NOT PROCEED WITH PLAN TO SELECT ACCOUNTING FIRM TO REVIEW BILLS PRESENTED BY TAN INTERNATIONAL. INSTEAD JOSEPH KRUSCH, ATTORNEY FOR KUSINI, STATES THERE HAS BEEN EXCHANGE OF CABLES WITH TAN INTERNATIONAL PRESENTING OFFERS AND COUNTEROFFERS. HE PROMISED TO SEND US COPIES THESE CABLES. ONLY ONE RECEIVED TO DATE IS CABLE FROM KRUSCH TO MR JAB ADU ASKING HIM TO CONFIRM THAT TAN WILL SETTLE ALL CLAIMS IF KUSINI ASSIGNS TO TAN ITS INTEREST IN DISTRIBUTION PROCEEDS IN NIGERIA.

3. TAN INTERNATIONAL ATTORNEY ASHLEY ANDREWS HAS THREATENED ON SEVERAL OCCASIONS TO PLACE A LIEN ON DISTRIBUTION OF FILM IF CLAIM AGAINST KUSINI IS NOT SETTLED. HE STATES THERE HAS BEEN NO AGREEMENT AS RESULT EXCHANGE OF CABLES BETWEEN KUSINI AND TAN AND THAT TAN INSTRUCTED KRUSCH TO HANDLE NEGOTIATIONS THROUGH HIM. HE REFUSES TO GET IN TOUCH WITH KRUSCH AND HAS BECOME IMPATIENT WITH KRUSCH'S FAILURE TO CALL HIM. ON MARCH 29 HE SAID HE WOULD PROCEED WITH COURT ACTION TO PLACE LIEN ON FILM.

4. KRUSCH'S ASSISTANT BERNARD SEGAL INFORMED US MARCH 29 THAT KRUSCH WAS OUT OF TOWN BUT HE BELIEVED HE WOULD GET IN TOUCH WITH ANDREWS UPON HIS RETURN IN A FEW DAYS. BERNARD WAS OPTIMISTIC THAT SETTLEMENT WOULD BE MADE. WE PASSED THIS INFORMATION TO ANDREWS.

5. WE WILL CONTINUE TO FOLLOW UP WITH BOTH ATTORNEYS AND KEEP EMBASSY INFORMED.

6. FYI. DEPOFF RECALLS THAT ASHLEY ANDREWS WAS KNOWN 1-2 YEARS AGO TO OFFICERS OF USIS LAGOS IN PART FOR HAVING GIVEN LENGTHY INTERVIEW TO DAILY TIMES CRITICIZING HOW US COMPANIES DISTRIBUTE FILMS IN AFRICA. AMONG OTHER THINGS, HE HAS BEEN NIGERIAN REPRESENTATIVE FOR TEXAS LIMITED OFFICIAL USE
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CHEMICALS AND PLASTICS SINCE LATE 1973. ACCORDING TO REESE HOWARD (SEE STATE 059227), ANDREWS RECENTLY SUED TEXAS CHEMICAL IN A BROOKLYN COURT FOR DOLS. 26 MILLION WHICH HE CLAIMS IS DUE HIM AS RESULT OF CONTRACT FOR NNOC CRUDE OIL AT DOLS. 22.60 PER BARREL WHICH TEXAS CHEMICAL INITIALED IN DECEMBER 1973 BUT THEN FAILED TO FULFILL.

7. FYI. NIGERIAN EMBASSY CHARGE TOLD DEPOFFS MARCH 16 THAT AMBASSADOR SANU HAD BEEN ASKED TO HOST THE FILM'S PREMIERE. HE REPLIED BY ASKING TO SEE THE FILM BEFORE

MAKING UP HIS MIND BUT HEARD NOTHING MORE ABOUT IT UNTIL
HE RECEIVED AN INVITATION TO THE MARCH 30 AFFAIR. END
FYI. KISSINGER

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